

REMARKS

Claims 1 – 5, 7 – 8, and 10 – 17 remain in this application. Claim 6 has been cancelled. Claims 18 and 19 have been added. Claims 1, 3, 7, 10, and 12 have been amended.

The examiner objected to the abstract of the disclosure because “axel” should be --axle--. Applicant has amended the abstract to make this correction in accordance with the examiner’s requirement.

The examiner objected to claims 1, 3, 10, and 12 because “axel” should be --axle--. Applicant has amended claims 1, 3, 10, and 12 to make this correction in accordance with the examiner’s requirement.

The examiner rejected claims 7 and 12 under Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been amended to replace the term “the components are” with the term --the system is--, for which there is antecedent basis. When originally referring to “the components,” applicant was referring to the components of the system. Hence, this amendment merely makes claim 7 more clear and overcomes the lack of antecedent basis rejection. Claim 12 has been amended to clarify that the auxiliary spring means is mounted at a position between (intermediate) the respective positions of the associated vehicle axle and the end of the lower leaf spring in a direction transverse to the associated vehicle axle. This amendment makes claim 12 clear and is clearly illustrated in Figure 6. For these reasons, applicant respectfully requests that the Section 112 rejection of claims 7 and 12 be withdrawn.

The examiner rejected claims 1 – 3, 5, 7, 8, 10 – 13, and 15 – 17 under Section 102(b) as being anticipated by Orndorff, Jr. et al. (U.S. Patent No. 5,007,660, hereinafter “Orndorff”). Further, the examiner rejected claims 4 and 14 under Section 103(a) as being unpatentable over Orndorff in view of Assh (U.S. Patent No. 5,024,462) and rejected claim 6 under Section 103(a) as being unpatentable over Orndorff in view of Hedenberg et

al. (U.S. Patent No. 5,351,986, hereinafter "Hedenberg"). Applicant respectfully traverses these rejections.

To begin, applicant has amended independent claims 1, 3, and 10 to incorporate the subject matter of now cancelled claim 6. Consequently, the rejection of these claims under Section 102(b) with respect to Orndorff, as well as the rejection with respect to Orndorff of the claims depending therefrom, is moot. Applicant, however, hereby notes for the record that the amendment of these claims is not an admission by applicant that the Examiner has correctly applied the teaching of Orndorff to the present application, or for that matter, that the Section 102(b) rejection of the claims was proper.

In view of this statement, it is applicant's position that the Examiner has misinterpreted the teaching of Orndorff in applying Orndorff to the claims of the present application to support the rejection of claims 1 - 3, 5, 7, 8, 10 - 13, and 15 - 17 under Section 102(b). For example, the Examiner contends that Orndorff discloses "the lower leaf spring being mounted over the associated vehicle axle with an opposite end forming a further connection means." (Emphasis added). One can clearly and unambiguously see from Figures 1, 2, and 6 of Orndorff that the upper leaf spring (8) alone forms connection means at both its ends for attaching the leaf spring assembly to the associated vehicle chassis via a bracket (10) at one end and a torsion spring assembly (28) at the other end. The lower leaf spring (or springs for that matter) lies underneath the upper leaf spring (8) but is shorter such that neither of its ends coincides with the looped ends forming the connection means of the upper leaf spring (8). Consequently, it is incorrect to state that Orndorff teaches that there is a connection means at the opposite end of the lower leaf spring. Orndorff simply does not teach such a connection. Therefore, Orndorff does not teach all of the features of the present invention as defined by independent claims 1, 3, and 10 as previously presented. Hence, those claims and the claims depending therefrom are not anticipated by Orndorff.

For these reasons, applicant respectfully requests reconsideration of the finality of the current Office Action. From the above, there is no doubt from the figures of Orndorff

that Orndorff does not teach the aforementioned features attributed to it by the Examiner. Therefore, it is not applicant's previous amendments that have necessitated the new grounds of rejection presented in current Office Action, but the Examiner's incorrect interpretation and application of the teaching of Orndorff. Furthermore, applicant presented these same arguments distinguishing the present invention from Orndorff in applicant's Amendment and Request for Reconsideration dated November 10, 2003 (see page 13, line 15 through page 14, line 8). The Examiner, however, did not consider these arguments in the current Office Action subsequently filed in response to the Amendment and Request for Reconsideration. Therefore, applicant respectfully requests that the finality of the current Office Action be withdrawn.

Furthermore, applicant disagrees with the Examiner's contention that Orndorff discloses the following feature of claim 13 of the present invention: "an opposite end of the upper leaf spring being spaced above the lower leaf spring." (Emphasis added). In the Examiner's view, Figure 1 of Orndorff discloses the entire leaf spring (8) as being spaced above the lower leaf spring. However, one can see from the figures of Orndorff that the upper leaf spring (8) lies over and in contact with the whole of the upper surface of the lower leaf spring, i.e., there is no space between them, which is consistent with the structure of leaf spring suspension systems such as that disclosed in Orndorff. In the present application, the term "spaced above" requires there to be a space between the relevant components (see, for example, Figure 6 of the present application). The Examiner's interpretation of this term is unreasonable and is not consistent with what one skilled in the art would understand the term to mean in the current context.

For all of the reasons stated above, applicant respectfully requests that the Section 102(b) rejection of claims 1 – 3, 5, 7, 8, 10 – 13, and 15 – 17 based upon Orndorff be withdrawn.

Notwithstanding the above, the Examiner has argued that previously pending claim 6 (and by consequence of the current amendment, now currently amended independent claims 1, 3, and 10) is obvious over Orndorff in view of Hedenberg. At page 4, lines 6 –

10 of the current Office Action, the Examiner has stated with respect to Orndorff that: "Though not specifically pointed out, the springs are arranged such that they provide the associated vehicle with ride characteristics and dynamic deflection geometry substantially the same as those of a conventional leaf spring system around the normal loading range." The Examiner will therefore readily appreciate that for the system of Orndorff to do so it is necessary for the auxiliary spring means (28) of the Orndorff suspension system to be "locked out," with the abutment (25) of one lever (20) engaging the fixed stop member (45, 46) on the other lever (38,39) of the torsion spring assembly (28). This means that when the height detection and adjustment means of Hedenberg is applied to Orndorff, the modified system is still "locked out" and the height of the suspension across the associated vehicle cannot be adjusted, as required. Consequently, one skilled in the art would not seriously contemplate combining the teachings of these two references and, even if he did, there can be no reasonable expectation of success. Claims 1, 3, and 10 are therefore not obvious over the combined teachings of Orndorff and Hedenberg. Similarly, no combination of Orndorff and Assh would result in the present invention.

Moreover, applicant notes that both Orndorff and Hedenberg are well-known suspension systems with which applicant is familiar as would be one skilled in the art. As such, the present invention is directed to addressing problems associated with suspension systems of these types, as well as others, as discussed in the introductory sections of applicant's specification.

For these reasons, applicant respectfully requests that the Section 103(a) rejection of the claims based upon Orndorff in view of Hedenberg and upon Orndorff in view of Assh be withdrawn.

Finally, with reference to newly added claim 18, applicant notes that Orndorff does not disclose one end of each upper and lower leaf spring comprising a connection means for attachment thereof to an associated vehicle chassis since, in Orndorff, only the upper leaf spring forms connection means. In any event, Orndorff does not disclose the lower leaf spring with an opposite end thereof forming a further connection means for separately

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attaching it to the associated vehicle chassis and the auxiliary spring means being mounted in series with the upper leaf spring towards an opposite end thereof for separately attaching the opposite end of the upper leaf spring to the associated vehicle chassis. It is equally clear that neither Hedenberg nor Assh disclose an arrangement as claimed in new claim 18 and that this arrangement cannot be arrived at by any combination of these references.

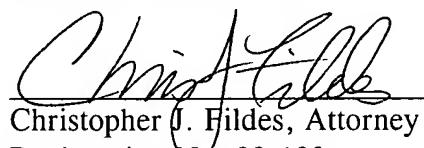
In view of the foregoing, applicant asserts that the present invention as now defined by independent claims 1, 3, 10, and 18 patentably distinguish the present invention over the prior art.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the Examiner and to present the claims in condition for allowance. Further, this amendment should be entered as it places the application in condition for allowance or in better form for appeal. Favorable action is requested.

Respectfully submitted,

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